

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

ROMAN ARAGON, *et al.*,

Defendants.

FILED
at Santa Fe, NM

NOV 22 2006

MATTHEW J. DYKMAN
CLERK

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM
Rutherford & Plaza Blanca, Section 7
Subfile No.: CHRU-004-0044C

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

DIANNA ANDREWS
TIMOTHY ANDREWS

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer File No(s) 1545 & 1699 into 4656

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama, a tributary of the Rio Grande.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: WILLOW CREEK MESA DITCH

Location: X= 1,548,909 feet Y= 2,103,084 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

| | |
|----------------------------------|-----------|
| Within the Tierra Amarilla Grant | 2.0 acres |
| Total | 2.0 acres |

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHRU-004-0044C

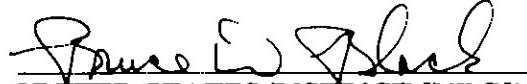
Amount of Water: Reserved for future determination by court order entered November 19, 2002.

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Rutherford & Plaza Blanca, Section 7, except in strict accordance with the water rights described herein.

7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Rutheron & Plaza Blanca, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

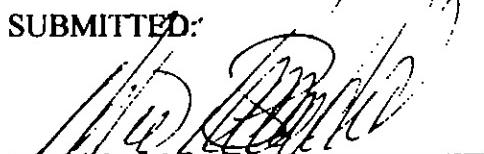
The Court enters this Consent Order as a final judgment as to the elements of Defendant's water rights set forth herein, subject to the rights of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding



UNITED STATES DISTRICT JUDGE

Recommended for approval:

Vickie L. Gabin
SPECIAL MASTER

SUBMITTED:

Peter B. Shoenfeld
Attorney for Defendants Timothy and
Dianna Andrews
P.O. Box 2421
Santa Fe, New Mexico 87504-2421
September 27, 2006

Ed Newville
EDWARD G. NEWVILLE
Special Assistant Attorney General

10.3.06
Date



004-0044C
A 2.0 ac.

| LEGEND | | N S E W | STATE OF NEW MEXICO Office of the State Engineer John R. D'Antonio, Jr., P.E., State Engineer | Subfile Number CHRU 004-0044C Willow Creek Mesa Ditch AMENDED August 8, 2006 |
|---|----------------------|------------------|--|--|
| <input type="checkbox"/> Irrigated Tract Boundary | ● Point of Diversion | | | |
| <input type="checkbox"/> No Right Tract Boundary | (○) Fellow | | | |
| <input checked="" type="checkbox"/> Seeped Area | (◎) No Right | | | |
| <input type="checkbox"/> Operable Ditch | | | | |
| <input type="checkbox"/> Inoperable Ditch | | | | |
| <input type="checkbox"/> Stock Ponds / Reservoir | | | | |

1 inch = 200 feet

0 50 100 200 feet

Rio Chama Hydrographic Survey
Rutherford & Plaza Blanca Section

A small, dark, circular logo or seal is located in the bottom right corner of the map area. It contains some indistinct text or a design that is not clearly legible.